



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

SE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Johnson Controls, Inc.
Environmental Manager
5757 Green Bay Avenue
Milwaukee, Wisconsin 53209

Re: TOCON Property Asbestos Site
1302 East Monroe Street, Goshen, Indiana 46258
Site/Spill Identifier (SSID): C5AM
Demand Letter

Dear Sir:

The U.S. Environmental Protection Agency has been conducting response actions to address contamination at the TOCON Property Asbestos Site (the Site). EPA took these actions under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601-9675. Prior to undertaking these response actions, EPA determined that there was a release or threatened release of hazardous substances from the Site. EPA undertook the response actions using monies authorized by CERCLA, as amended.

During the response, EPA undertook several actions at the Site. They included the following:

1. Erected temporary fencing to limit access during emergency action;
2. Posted asbestos warning signs during emergency action;
3. Covered debris piles containing asbestos until removal is complete during emergency action;
4. Developed and implemented a Site-Specific Health and Safety Plan, with a Perimeter Air Sampling Plan, including measures to control asbestos containing material (ACM) dust during the removal action and signs warning of potential exposure to hazardous substances, including but not limited to ACM;

5. Developed and implemented a Site Emergency Contingency Plan;
6. Developed and implemented a Site Work Plan including Site Security Plan;
7. Characterized and segregated, when possible, ACM waste from waste not containing ACM;
8. Loaded, transported, and disposed of an estimated 7,000 tons of readily identifiable ACM wastes, from debris piles and pits at an EPA-approved disposal facility in accordance with EPA's Off-Site Rule (40 CFR §300.440);
9. Decontaminated concrete pads using vacuum equipment and low-pressure washing, as necessary;
10. Decontaminated heavy equipment as necessary, and appropriately disposed of decontamination water; and,
11. Took any necessary response action to address any release or threatened release of a hazardous substance, pollutant or contaminant that EPA determined may have posed an imminent and substantial endangerment to public health, or the environment.

Response costs associated with the Site have been incurred by EPA. The approximate EPA response costs identified up to February 28, 2019 for the Site are \$1,935,241.84. A summary dated March 11, 2019 is enclosed.

Information available to EPA indicates among other things that you are potentially responsible for the release, or threat of release, of hazardous substances from the Site. Pursuant to the provisions of Section 107(a) of CERCLA, and based on evidence currently available to the agency, EPA believes that you may be liable for the payment of costs incurred by EPA in connection with the Site. The potentially responsible parties (PRPs) are jointly and severally liable for the whole amount. Partial payments will not release the payor of liability for payment of the rest of the costs that are owed to EPA. Limiting language on the check or in accompanying letters will be considered to be advisory only and will not be considered as placing conditions on the amount paid or as limiting liability on other costs demanded in this letter.

Such payment must be made by a cashier's or certified check made payable to the "U.S. EPA Hazardous Substance Superfund", which is established by the Internal Revenue Code, 26 U.S.C. § 9507 and administered by EPA. Please send your check to U.S. EPA, Superfund Payments, Cincinnati Finance Center, P.O. Box 979076, St. Louis, Missouri, 63197-9000. Place the following Site Identification Number on the check: SSID# C5AM. Please send a copy of your payment check to Carolyn Bohlen, Chief, Enforcement Support Section (SE-5J), U.S. EPA, Region 5, Superfund Division, 77 West Jackson Boulevard, Chicago, Illinois 60604,

and to Andre Daugavietis, Associate Regional Counsel, Office of Regional Counsel (C-14J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

We hereby demand that you make restitution by payment of the amount in this letter expended by the agency in connection with the Site pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand, if payment is not received within thirty (30) calendar days of the date of this letter.

If you desire to discuss your liability with EPA, please contact Mr. Daugavietis, Office of Regional Counsel, in writing no later than fifteen (15) calendar days after the date of this letter. Mr. Daugavietis may also be reached by phone at (312) 886-6663 or at daugavietis.andre@epa.gov. If we do not receive a response from you within this time frame, EPA will assume that you have declined to reimburse the Fund for the Site expenditures, and pursuant to CERCLA, EPA may pursue civil litigation against you to recover its costs, with interest.

Sincerely,

A handwritten signature in cursive script, appearing to read "Samuel Borries".

Samuel Borries, Chief
Emergency Response Branch 2

Enclosure

cc: CT Corporate Systems
Registered Agent for Johnson Controls
150 West Market Street #800
Indianapolis, Indiana 46204

Itemized Cost Summary

TOCON PROPERTY ASBESTOS SITE, GOSHEN, IN SITE ID = C5 AM

Cumulative Site Expenditures Through 02/28/2019

REGIONAL PAYROLL COSTS	\$74,990.30
REGIONAL TRAVEL COSTS	\$10,587.05
EMERGENCY RESPONSE UNIT (ERU) CONTRACT	
ENVIRONMENTAL RESTORATION, LLC (EPS50905)	\$66,249.13
ENVIRONMENTAL RAPID RESPONSE SERVICES (ERRS)	
ENVIRONMENTAL RESTORATION, L.L.C. (EPS41602)	\$923,945.42
SUPERFUND TECH. ASSISTANCE & RESPONSE TEAM (START)	
TETRA TECH, INC. (EPS51301)	\$160,913.19
TECHNICAL AND ANALYTICAL SUPPORT CONTRACT (TAS)	
TOEROEK ASSOCIATES, INC. (EPS51401)	\$3,976.59
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TECHNICAL SERVICE AND SUPPORT	
PRIMUS SOLUTIONS, INC. (EPW11024)	\$468.30
ARCTIC SLOPE MISSION SERVICES (EPW17011)	\$423.02
EPA INDIRECT COSTS	\$693,688.84
Total Site Costs:	<hr/> <u>\$1,935,241.84</u> <hr/>

**TOCON Property Asbestos Site
Demand Letter**

bcc: Andre Daugavietis, ORC (C-14J)
Andy Maguire, ERB 2 (SE-5J)
Mila Bensing, ESS (SE-5J)
Carolyn Bohlen, ESS (SE-5J)
John Maritote, RS 4 (SE-5J)
Gerri Pete, ESS (SE-5J)
Rick Hackley, PAAS (MF-10J)
Linda Haile, PAAS (MF-10J)
Todd Quesada, RMD (SRC-7J)

Ms. Lori Weidner
U.S. EPA
Cincinnati Finance Center, NWD
26 West Martin Luther King Drive
Cincinnati, OH 45268-0001